

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2009

Marilyn Kelly,
Chief Justice

137846

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137846
COA: 278138
Saginaw CC: 06-027522-FH

MCKINNEY MUSHATT, JR.,
Defendant-Appellant.

By order of April 28, 2009, the application for leave to appeal the October 14, 2008 judgment of the Court of Appeals was held in abeyance pending the decision in *People v Idziak* (Docket No. 137301). On order of the Court, the case having been decided on July 31, 2009, 484 Mich 549 (2009), the application is again considered. We DIRECT the Saginaw County Prosecuting Attorney to answer the defendant's application for leave to appeal within 28 days after the date of this order. In the answer, the prosecuting attorney shall address whether the defendant is entitled to jail credit under MCL 769.11b in light of *People v Idziak*, 484 Mich 549 (2009). The answer shall also state whether the defendant was being held in jail on an Alabama parole detainer and whether he has received or will receive credit against his Alabama sentences for the time he spent in jail awaiting disposition of the charges in this case.

The application for leave to appeal remains pending.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 28, 2009

Corbin R. Davis

Clerk